

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN FENERJIAN, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

NONG SHIM COMPANY, LTD.; NONGSHIM  
AMERICA, INC.; OTTOGI COMPANY, LTD.;  
OTTOGI AMERICA, INC.; SAMYANG  
FOODS COMPANY, LTD.; SAM YANG  
(U.S.A.) INC.; KOREA YAKULT CO, LTD.;  
KOREA YAKULT CO., LTD. D/B/A PALDO  
AMERICA, and PALDO COMPANY, LTD,

Defendants.

CASE NO. 3:13-cv-04115-WHO

**STIPULATION TO EXTEND TIME FOR  
DEFENDANT OTTOGI AMERICA, INC.  
TO RESPOND TO THE COMPLAINT;**

**ORDER THEREON**

WHEREAS, on October 7, 2013, the Parties, by and through their respective counsel,  
stipulated to extend the time for Defendant Ottogi America, Inc. ("Ottogi America") to answer or  
otherwise respond to the Complaint in this action up to and including December 2, 2013;

WHEREAS, the Initial Case Management Conference ("CMC") in this action is currently set  
for February 4, 2014;

WHEREAS, this action is one of ten currently-pending lawsuits arising out of an alleged

1 conspiracy to manipulate the prices of Korean noodle products (the “Related Actions”). Each of the  
2 ten actions names the same four Korea-based companies and their alleged U.S. subsidiaries as  
3 Defendants;

4 WHEREAS, in light of the overlapping factual and legal issues presented by these different  
5 cases, on September 19, 2013, the Plaintiff in this action filed a motion before the Judicial Panel on  
6 Multidistrict Litigation (“JPML”) to transfer and consolidate the Related Actions (the “MDL  
7 Motion”);

8 WHEREAS, the JPML set the MDL Motion for hearing on December 5, 2013 and, in ruling  
9 on that motion, will decide (a) if the cases should be consolidated and (b) in which court;

10 WHEREAS, to date, all of the parties that have appeared before the JPML have filed a  
11 response in support, joinder or non-opposition to transfer the related cases to the Northern District of  
12 California to be presided over by this Court;

13 WHEREAS, the purpose of the MDL Motion is “to eliminate duplicative discovery, prevent  
14 inconsistent pretrial rulings (especially with respect to class certification matters), and conserve the  
15 resources of the parties, their counsel and the judiciary.” *In re Hypodermic Prods. Antitrust Litig.*,  
16 408 F. Supp. 2d 1356, 1357 (J.P.M.L. 2005);

17 WHEREAS, on November 5, 2013, Plaintiff in this action filed a motion for an order (1)  
18 naming an “Interim Lead Class Counsel” and “Liaison Counsel,” (2) setting a schedule for the filing  
19 of a “Consolidated Complaint” by the consolidated Plaintiffs and (3) consolidating the following five  
20 actions pending before this Court (the “Indirect Purchaser Actions”): *Fenerjian v. Nong Shim Co.,*  
21 *Ltd. et al*, Case No. 13-4115-WHO; *Bonnington v. Nong Shim Co., Ltd. et al.*, Case No. 13-4296-  
22 WHO; *Christina Nguyen v. Nong Shim Co., Ltd. et al.*, Case No. 13-4308-WHO ; *Thu-Thuy Nguyen*  
23 *v. Nong Shim Co., Ltd. et al.*, Case No. 13-4335-WHO; and *Pelobello v. Nong Shim Co., Ltd. et al.*,  
24 Case No. 13-4898-EDL (the “Motion to Consolidate”). This Motion to Consolidate was jointly filed  
25 by the Plaintiffs in all five of the Indirect Purchaser Actions;

26 WHEREAS, the Motion to Consolidate is currently set for hearing on December 18, 2013;

1 WHEREAS, Ottogi America's current deadline to respond to the Complaint in this action is  
2 before the hearings on the MDL Motion and the Motion to Consolidate;

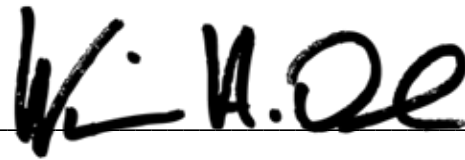
3 WHEREAS, depending on the JPML's ruling and/or if the Court grants Plaintiffs' Motion to  
4 Consolidate and Plaintiffs file a consolidated complaint, response to the current Complaint will  
5 become moot;

6 WHEREAS, the interests of justice and judicial efficiency will be furthered by continuing the  
7 date by which Ottogi America must respond to the Complaint in this action to January 6, 2014, a date  
8 following the December 5, 2013 hearing before the JPML and the December 18, 2013 hearing before  
9 this Court on the Motion to Consolidate;

10 NOW, THEREFORE, the parties, by and through their respective undersigned counsel,  
11 hereby stipulate, and the Court ORDERS, that (1) Ottogi America shall have an extension of time up  
12 to and including **January 6, 2014** within which to answer or otherwise respond to the Complaint in  
13 this action.

14 IT IS SO ORDERED.

15  
16 DATED: November 20, 2013

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18 \_\_\_\_\_  
19 HONORABLE WILLIAM H. ORRICK  
20 UNITED STATES DISTRICT JUDGE

21 DATED: November 19, 2013

22 GIBSON, DUNN & CRUTCHER LLP

23 By: /s/ Lindsey Blenkhorn Haswell

24 Attorneys for Defendant Ottogi America, Inc.

DATED: November 19, 2013

IZARD NOBEL LLP

BRAMSON PLUTZIK MAHLER & BIRKHAEUSER,  
LLP

By:                     /s/ Alan Plutzik                    

Attorneys for Plaintiff Stephan Fenerjian